

United States District Court

AUG 25 2005

MIDDLE

DISTRICT OF

ALABAMA

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

ROGELIO GONZALEZ-OLTHEHUA

CASE NUMBER: 2:05mj108-CSC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 7, 2005 in Pike county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

did knowingly with intent to deceive, falsely represent a number to be the Social Security account number assigned by the Secretary to him, when in fact, such number is not the Social Security account number assigned by the Secretary to him,

in violation of Title 42 United States Code, Section(s) 408(a)(7)(B).

I further state that I am a(n) ICE Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

August 25, 2005

Date

at Montgomery, Alabama

City and State

Charles S. Coody, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Blake Diamond, being duly first sworn, do hereby state and affirm that:

I am a duly sworn Special Agent of the U.S. Immigration and Customs Enforcement (ICE) assigned to the office of the Resident Agent in Charge, Mobile, Alabama. I have been employed as a federal agent for approximately nine years. My principal assignment has been to conduct criminal investigations of persons involved in violation of the United States Code relating to Title 8 - Aliens and Nationality.

On August 25, 2005, Alabama State Trooper Kenneth Epps stopped a brown 1995 Saturn Coupe bearing Alabama license plate 6A6003C on Alabama Highway 10 near Brundidge, Alabama for following a vehicle too close. The vehicle was registered to Rogelio Gonzalez at 21 Hunt Street in Clio, Alabama. When Trooper Epps asked the driver for identification the driver failed to respond. Trooper Epps then asked the passenger for identification. The passenger presented Trooper Epps with a Social Security Card bearing the name JOSE CALIHUA and the number 464-92-4826, a Mexican Voter Registration Card bearing the name AGUSTIN CALIHUA TZOMPAXTLE, and a Resident Alien Card bearing the name CALIHUA-JOSE and the number A073612357. Trooper Epps believing the Social Security Card and the Resident Alien Card to be fraudulent due to the lack of security features found on legitimately issued cards contacted me for assistance.

Upon arrival at the scene, I spoke with the driver of the vehicle who identified himself as Carlos MENDEZ-Tzompaxtle. He claimed that he lived in Clio, Alabama and worked for Wiley Sanders Trucking in Troy, Alabama as a mechanic. Upon further questioning, he freely and voluntarily admitted to being a native and citizen of Mexico. He claimed that he entered the United States illegally near Tuscon, Arizona sometime in June of 2002. I placed him into ICE custody and informed him that he would be processed for removal from the United States. It was at that time he informed me that his true name was Rogelio GONZALEZ-Olthehua. A search of the vehicle pursuant to the arrest of GONZALEZ-Olthehua revealed an earnings statement for ROGELIO O. GONZALEZ from Wiley Sanders Truck Lines in Troy, Alabama.

I spoke with the passenger in the vehicle who identified himself as Agustin CALIHUA-Tzompaxtle. He freely and voluntarily admitted to being a native and citizen of Mexico. He claimed that he entered the United States illegally. He was also taken into ICE custody.

Trooper Epps issued GONZALEZ-Olthehua two driving citations for Follow Too Close and No Drivers License and then had the vehicle towed. GONZALEZ-Olthehua and CALIHUA-Tzompaxtle were transported to the ICE office in Montgomery, Alabama for further processing.


On August 25, 2005, I interviewed GONZALEZ-Olthehua at the ICE office in Montgomery, Alabama. I informed GONZALEZ-Olthehua of his Miranda Warnings in the Spanish language. He waived his right to counsel and agreed to answer questions without the presence of an attorney. GONZALEZ-Olthehua freely and voluntarily admitted to being a native and citizen of Mexico. He claimed that he last entered the United States illegally near Tuscon, Arizona sometime in June of 2002. He admitted that he used fraudulent documents to obtain employment at Wiley Sanders Truck Lines in Troy, Alabama. He claimed that he purchased these documents from an unknown Hispanic male in Clio, Alabama for \$80.00 U.S. dollars.

On August 25, 2005, I met with Larry Dickey at the Wiley Sanders Truck Lines in Troy, Alabama. Mr. Dickey informed me that GONZALEZ-Olthehua started his employment on March 07, 2005 and he provided me the Form I-9 completed by GONZALEZ-Olthehua. On the Form I-9, GONZALEZ-Olthehua claimed that he was an alien authorized to work and presented a Resident Alien Card bearing the number A098756413 and a Social Security Card bearing the number 431-59-6852 as proof of identification and employment verification.

On August 25, 2005, I contacted Helen Lewis with the Social Security Administration. She conducted a search of their database with the number 431-59-6852. The search revealed that the number was registered to James Robert Tarron, who is a U.S. citizen born in Hot Springs, Arkansas.

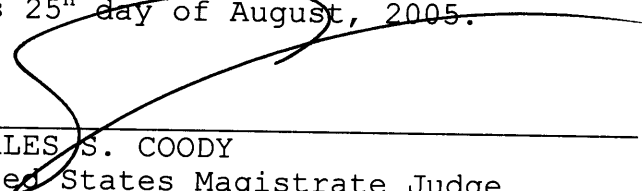
On August 25, 2005, I conducted a search of the Central Index System (CIS) with the alien number A098756413 found on the Form I-9. The search revealed that the number was registered to Shan Mei YE, a native and citizen of China.

Rogelio GONZALEZ-Olthehua is in violation of, but not limited to, Title 42 U.S.C. 408(a)(7)(B), Whoever knowingly with intent to deceive, falsely represents a number to be the Social Security account number assigned by the Secretary to him or to another person, when in fact such number is not the Social Security account number assigned by the Secretary to him or to such other person, that is Social Security number 431-59-6852. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisonment not more than 5 years, or both.



Blake Diamond, Affiant
U.S. Immigration and Customs Enforcement

Sworn to and subscribed before me
this 25th day of August, 2005.



CHARLES S. COODY
United States Magistrate Judge